

RT

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LAURA RAMIREZ, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 05 C 317
)	
CITY OF CHICAGO, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

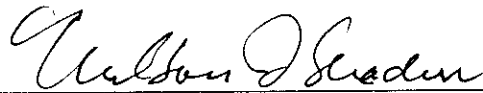
City of Chicago ("City"), one of numerous defendants in this civil rights action brought by members of the Ramirez family, has filed its Answer and Affirmative Defenses ("ADs") to the Amended Complaint ("AC"). This memorandum order is issued sua sponte because of a pervasive flaw that permeates City's Answer.

What the AC portrays is a truly shocking pattern of asserted police misconduct in retaliation for testimony given by Laura Ramirez in connection with a dispute between one of her neighbors and some City police officers. This Court does not of course make--or even suggest--any findings in that respect, for it has no personal knowledge of the events alleged in the AC. But neither does City, and that is what occasions the issuance of this memorandum order.

All through its Answer City engages in an appropriate use of the second sentence of Fed. R. Civ. P. 8(b) to obtain the benefit of a deemed denial of many of the AC's allegations. But having thus disclaimed knowledge or information sufficient to form a

belief as to the truth of those allegations, City cannot then go on to deny them--a denial that is certainly an oxymoron under those circumstances. Accordingly the repeated language "and therefore, denies these allegations" is stricken from the Answer wherever it appears.

That aside, no comment is made here as to the sufficiency or lack of sufficiency of certain of the ADs that are advanced by City following its Answer. Any possible challenges in that respect will await action by plaintiffs' counsel.



Milton I. Shadur
Senior United States District Judge

Date: March 30, 2005